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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Deaddio et al. :
Application No. 09/127,341 :
Filed: 07-31-1998 :
Attorney Docket No. 11021.0001 :

This is a decision on the petition under 37 CFR 1.137(b), filed on January 23, 2007, to revive the above-identified application.

The application became abandoned on July 31, 2006, for failure to file a proper and timely reply to the final Office action mailed on January 30, 2006, which set a three (3) month shortened statutory period for reply. On July 27, 2006, petitioners submitted an amendment in response to the final Office action and a request for an extension of time for response within the third month. The Examiner found that the amendment did not *prima facie* place the application in condition for allowance. An Advisory Action was mailed on September 8, 2006. A Notice of Abandonment on September 22, 2006. On October 13, 2006, petitioners filed a petition under 37 CFR 1.137(a) and a Request for Continued Examination (RCE). On January 17, 2007, the Office mailed a decision dismissing the petition under 37 CFR 1.137(a). On January 23, 2007, petitioners filed the present petition under 37 CFR 1.137(b).

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioners have supplied (1) the reply in the form of an RCE and a submission; (2) the petition fee of \$1,500.00; and (3) an appropriate statement of unintentional delay. Accordingly, the petition is granted.

This matter is being referred to Technology Center Art Unit 3693.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3211.

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